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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/574,647
Filing Date: August 4, 2008
Appellant(s): MARTIN RANDLER

Aaron C. Deditch – Reg. No.: 33,865
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 October 2011 appealing from the Office action mailed 03 June 2011.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2003/0060936 Yamamura et al 03-2003

(9) Grounds of Rejection Applicable to the Appealed Claims

The following ground(s) of rejection are applicable to the appealed claims:

A. **Claims Rejections – 35 USC § 102**

Claims 12-27 rejected under 35 U.S.C. 102(b) as being anticipated by Yamamura et al (US 2003/0060936, hereafter Yamamura).

As per **claim 12**, Yamamura discloses a method for providing driving assistance to a driver of a vehicle, comprising:

obtaining a composite lane information regarding a road lane in which the vehicle is traveling, wherein the composite lane information is derived from at least two characterizing information items regarding the lane (Figure 1 element 50; paragraph [0090] lines 4-8); and

triggering at least one of an output of driver-assistance information and a vehicle-control action based on the composite lane information (Figure 1 element 52; paragraph [0091]);

wherein the composite lane information is derived at least partially based on at least one of the following: a preceding vehicle or an oncoming vehicle, tracks of

preceding vehicle, a lane boundary, a barrier or a guardrail, and a curb or other road edge structure (paragraphs [0089] and [0090]).

As per **claim 13**, Yamamura discloses the method as recited in claim 12, wherein the composite lane information is derived at least partially based on lane boundary markings detected from an image of the road lane obtained using a camera (paragraphs [0097] - paragraph [0099]).

As per **claim 14**, Yamamura discloses the method as recited in claim 13, wherein the composite lane information is derived at least partially based on objects detected from the image of the road lane (paragraph [0089] lines 8 – 10).

As per **claim 15**, Yamamura discloses the method as recited in claim 14, wherein the composite lane information is derived at least partially based on at least one of an oncoming vehicle, a preceding vehicle, and a stationary object that marks a boundary of the road lane (paragraph [0097]-[0099]).

As per **claim 16**, Yamamura discloses the method as recited in claim 14, wherein the composite lane information is derived at least partially based on tracks of a preceding vehicle (paragraph [0089] lines 17-22).

As per **claim 17**, Yamamura discloses the method as recited in claim 14, wherein each information used to derive the composite lane information is assigned a quality index value (paragraph [0091] lines 1-8; the risk is the quality index value).

As per **claim 18**, Yamamura discloses the method as recited in claim 17, wherein the assigned quality index value for each information used to derive the composite lane information is considered for deriving the composite lane information (paragraphs [0091] and [0092]).

As per **claim 19**, Yamamura discloses the method as recited in claim 18, wherein the quality index value is derived from at least one a contrast of the image and a deviation between stored estimated lane boundary data and measured lane boundary data (paragraph [0092]).

As per **claim 20**, Yamamura discloses the method as recited in claim 18, wherein the composite lane information and the assigned quality index values are transmitted to an analyzer unit for analysis (paragraphs [0091] and [0092]).

Regarding **claim 21**, arguments analogous to those presented for claim 12 are applicable for claim 21.

Regarding **claim 22**, arguments analogous to those presented for claim 18 are applicable for claim 22.

As per **claim 23**, Yamamura discloses the driver assistance system as recited in claim 21, wherein the composite lane information is derived at least partially based on tracks of a preceding vehicle (paragraphs [0089]-[0091]).

As per **claim 24**, Yamamura discloses a method for providing driver assistance based on lane information, the method comprising:

determining the lane information using image information from a camera, wherein the lane information includes first track and additional track data (paragraph [0089]);

triggering one of driver information and a steering intervention based on the lane information, wherein the first track data are determined based on image information concerning lane edge markings, wherein additional track data are determined based on other information based on the image information from the camera, the other information being alternative to the lane edge markings, from which a course of the

roadway is derived, and wherein the first track data and the additional track data are brought together to form the track data used for providing driver assistance (paragraphs [0089]-[0091]).

Regarding **claim 25**, arguments analogous to those presented for claim 1 are applicable for claim 25.

Regarding **claim 26**, arguments analogous to those presented for claim 24 are applicable for claim 26.

Regarding **claim 27**, arguments analogous to those presented for claim 1 are applicable for claim 27.

(10) Response to Argument

The Examiner's response to the arguments of the brief concerning the art rejection of claims 12-27 are as follows:

A1. Argument of claims 12 - 20 (see section VII of brief)

Appellant argues on page 6 lines 25 – page 7 lines 4; Yamamura does not teach the composite lane information is derived from at least two characterizing information items regarding the road lane, and in which the composite lane information is derived at least partially based on at least one of the following: a preceding vehicle or an oncoming vehicle, tracks of a preceding vehicle, a barrier or a guardrail, and a curb or other road edge structure.

A2. Response to argument of A1

The Examiner respectfully disagrees with appellant's argument. Yamamura discloses a data acquisition system (Figure 1 element 42; DAS)

provides multiple sources of information (i.e.; at least two) such as lane marking (i.e.; lane boundary), other vehicle in the surrounding area (i.e.; preceding or oncoming vehicle), and weather are just a few examples provided by the reference (paragraph [0089]). Yamamura continues to teach a predict future and a plan making module (Figure 1 elements 48 and 50) that receives the information acquired and then generates an operator-response plan (i.e.; the composite lane information) for use by the vehicle operator.

B1. Argument of claims 24 and 25 (see section VII of brief)

Appellant argues on page 7 lines 22 – page 8 lines 2; Yamamura does not teach the first track data are determined based on image information concerning lane edge markings, in which the additional track data on image information concerning lane edge markings, in which the additional track data are determined based on other information based on the image information from the camera, the other information being alternative to the lane edge markings, from which a course of the roadway is derived.

B2. Response to argument of B1

Yamamura discloses that image information is being acquired from front, rear, and side cameras (paragraphs [0099] and [0100]). Further, Yamamura teaches that a lane marking data (i.e.; first track data) is acquired by the front camera (paragraph [0102] lines 14-20) and vehicle separation data (i.e.; additional track data) from all the cameras mounted on the vehicle (paragraph

[0102] lines 7-14). Yamamura is listing many types of data that are needed to be obtained in order to function properly. The controllers of figures 3 and 5 use all the data coming in, not just one. They are all needed to compute the environment.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Chikaodili Anyikire/

1 December 2011

Conferees:

/CHRISTOPHER S KELLEY/

Supervisory Patent Examiner, Art Unit 2482

/JOSEPH USTARIS/

Supervisory Patent Examiner, Art Unit 2483